UNITED
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Security Council

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S/AC.25/1990/46
16 November 1990

ORIGINAL: ENGLISH

SECURITY COUNCIL COMMITTEE ESTABLISHED BY
RESOLUTION 661 (1990) CONCERNING THE
SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 29 OCTOBER 1990 FROM THE PERMANENT REPRESENTATIVE OF NORWAY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of Norway to the United Nations presents his compliments to the Secretary-General and, with reference to his note of 8 October 1990, has the honour to enclose herewith the reply of the Government of Norway to the questionnaire concerning national measures on the implementation of Security Council resolution 661 (1990).

Annex

Implementation of resolution 661 (1990): a questionnaire concerning national measures

1. Legislative framework

(a) Act No. 4 of 7 June 1968 relating to the implementation of mandatory decisions of the United Nations Security Council empowers the King in Council to adopt regulations in order to implement mandatory decisions of the Security Council. A copy of the said Act is enclosed;*

(b) The regulations concerning the implementation of Security Council resolution 661 (1990) were adopted on 9 August 1990. A text of the regulations has been reproduced in document S/21534 of 15 August 1990;

(c) Not applicable.

2. Control of imports or activities which would promote or are calculated to promote imports or trans-shipment of goods from Iraq and Kuwait

(a) The Norwegian implementation of mandatory decisions by the Security Council is a prohibition legislation with imprisonment, fines or both as penalties, and/or confiscation. The practical control of import of commodities and products is carried out by the customs and police authorities. The final adjudication therefore lies with the courts if the public prosecution authority finds that there is adequate reason to suspect that an offence has been committed under the prohibition legislation;

(b) The Norwegian legislation applies to anyone who wilfully or negligently violates the legislation or is an accessory thereto. An attempt to commit a felony is also punishable.

3. Control of exports or activities which would promote or are calculated to promote sales or supply of products and commodities to Iraq and Kuwait

See No. 2 above. In addition, the Ministry of Foreign Affairs may grant permission for the sale, transport or conveyance of foodstuffs when so required on humanitarian grounds.

4. Control of financial or economic resources

(a) No transactions connected with Iraq or Kuwait may be carried out without the consent of Norges Bank (i.e., the national bank of Norway);

(b) The penalties are the same as under No. 2.

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* The Act may be consulted in room S-3520.

5. Enforcement

For individuals: fines, imprisonment or both. For companies, foundations and associations: fines.

In addition, objects that are imported/exported or an attempt has been made to import or export may be confiscated by court order irrespective of ownership and without criminal proceedings being instituted. If confiscation does not prove possible, the court may order the offender to pay an amount equivalent to the partial or entire value of the objects without instituting criminal proceedings. The same applies to any means of payment or securities employed in contravention of any provisions issued pursuant to the act relating to the implementation of mandatory decisions by the Security Council (see under No. 1 above).

6. Other

(a) A limited number of trans-shipments to Iraq and Kuwait were affected by Security Council resolution 661 (1990) and the corresponding Norwegian legislation. This did not, however, lead to any violations of the statutes;

(b) The Norwegian prohibition legislation took effect from the same date as Security Council resolution 661 (1990). It does not contain any special provisions for interim arrangements;

(c) All Kuwaiti assets were frozen immediately. Transactions may be carried out with the consent of Norges Bank.

READEX FICHE

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SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 31 OCTOBER 1990 FROM THE PERMANENT MISSION OF BOLIVIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Bolivia to the United Nations presents its compliments to the Secretary-General and, with reference to his note of November 1990, has the honour to transmit herewith the reply of the Government of Bolivia to the questionnaire on national implementation of Security Council resolution 661 (1990) concerning the situation between Iraq and Kuwait.

As general information to supplement the enclosed reply, kindly note that Bolivia does not maintain trade relations of any kind with either Iraq or Kuwait.

Annex

Questionnaire on national measures in implementation of Security Council resolution 661 (1990)

Reply of the Government of Bolivia

Question 1

In accordance with article 96(3) of the State Constitution, the President of the Republic is in charge of the conduct of the foreign policy of Bolivia; the implementation of foreign policy rests with the Ministry of Foreign Affairs and Worship. Having signed and ratified the Charter of the United Nations, Bolivia has undertaken to comply with any provisions adopted by the United Nations, within the Security Council, General Assembly or its other bodies.

In accordance with these powers and responsibilities, the Ministry of Foreign Affairs and Worship issued instructions on 15 August 1990 to the national authorities (the Ministries of Defence; Planning and Co-operation; Industry, Commerce and Tourism; and Finance; the Central Bank of Bolivia and the Office of the Superintendent of Banks) whereby these authorities must, within their respective jurisdictions, comply strictly with the provisions of Security Council resolution 661 (1990).

Questions 2 and 3

The Foreign Trade Inspection Agencies (Agencias de Verificación del Comercio Exterior S.G.S.), bodies which in turn are under the supervision of the Ministry of Finance, are responsible for the control and monitoring of import and export activities.

These bodies have been informed in a timely fashion of the provisions of the aforementioned resolution and thus far are not aware of any activities which might have given rise to a violation of the resolution.

Question 4

The Office of the Superintendent of Banks, as a representative of the State, is mandated to oversee and control all bodies which form part of the national financial system. Among the activities supervised by the Office are transfers of resources to foreign countries.

Accordingly, in its circular SB/189/90, the Office instructed the entire banking and financial system to freeze or block any esources which Iraq or Kuwait had deposited in those institutions. There have been thus far no reports of any breach of Security Council resolution 661 (1990).

Question 5

Since there have been no reports of any breach of Security Council resolution 661 (1990) following its adoption, no sanctions have been imposed.

Question 6

The Government is thus far not aware of any problems connected with the implementation of Security Council resolution 661 (1990).

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SECURITY COUNCIL COMMITTEE ESTABLISHED BY
RESOLUTION 661 (1990) CONCERNING THE
SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 15 NOVEMBER 1990 FROM THE PERMANENT MISSION OF
PERU TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Peru to the United Nations presents its compliments to the Secretary-General and has the honour to refer to his note in which he transmitted the questionnaire on the measures taken by States in implementation of Security Council resolution 661 (1990).

The Permanent Mission has the honour to transmit with this note the reply of the Government of Peru to the questionnaire, and would be pleased if it could be circulated as a document of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait.

Annex

Measures taken by Peru in implementation of Security Council resolution 661 (1990)

1. Legislative framework

In conformity with the existing constitutional provisions and internal legal order, the United Nations Charter is an integral part of the internal legal system applicable throughout the Republic of Peru.

As a result, and given that Security Council resolution 661 (1990) was adopted in accordance with Chapter VII of the Charter and in the light of the provisions of Article 25 of the Charter, it was not necessary to take any specific new legislative measures, inasmuch as the Security Council resolution is mandatory and must be applied directly by the States Members of the United Nations.

2. Control of imports or activities which would promote or are calculated to promote imports or trans-shipment of goods from Iraq and Kuwait

All national operations of regulation and control of imports and exports of goods, or of promotion thereof, in whatever form, are the responsibility of the Foreign Trade Institute of Peru.

Peru has no commercial trade of any type or of any amount, with Iraq or Kuwait, and there are no air or sea links with those two countries.

3. Control of exports or activities which would promote or are calculated to promote sales or supply of products and commodities to Iraq and Kuwait

See response to question 2 above.

4. Control of financial or economic resources

All national operations of regulation and control relating to international financial transfers are the responsibility of the Central Reserve Bank of Peru.

Peru does not undertake or encourage financial transfers of any kind to or from Iraq or Kuwait.

5. Enforcement

The types of enforcement applicable in this case to persons infringing national laws are stipulated in the national legal system, whether administrative, commercial, financial, customs, civil or penal, in accordance with the type of infringement and the nature of the perpetrator.

6. Other

The process has been started which will lead to the adoption by the appropriate legal bodies of a declaration confirming the adherence of Peru to the resolutions adopted by the Security Council on the Gulf crisis.

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19 November 1990

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SECURITY COUNCIL COMMITTEE ESTABLISHED BY
RESOLUTION 661 (1990) CONCERNING THE
SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 12 NOVEMBER 1990 FROM THE PERMANENT REPRESENTATIVE OF TURKEY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of Turkey to the United Nations presents his compliments to the Secretary-General of the United Nations and, with reference to the Secretary-General's note dated 8 October 1990, has the honour to enclose herewith the response of Turkey to the questionnaire of the Security Council Committee established by resolution 661 (1990).

Annex

Note regarding the implementation by Turkey of resolution 661 (1990)

1. Legislative framework

(a) The implementation of Security Council resolution 661 (1990) has been made legally binding by an order of the Prime Ministry circulated to all government agencies.

(b) No specific legislation regarding implementation of Security Council resolution 661 (1990) need be enacted since the order of the Prime Ministry is considered to be legally binding.

(c) All government agencies receiving the order have instructed their subordinate bodies accordingly.

2. Control of imports or activities which would promote imports from Iraq and Kuwait

(a) The Ministry of Finance and Customs and the Undersecretariat for the Treasury and External Trade are the agencies responsible for the control of imports.

(b) The Union of Chambers of Commerce and local chambers have informed their members of the import restrictions regarding the implementation of resolution 661 (1990). The Prime Ministry is responsible for interpreting any questions related to import restrictions.

3. Control of exports or activities which would promote exportation to Iraq and Kuwait

(a) The Ministry of Finance, the Undersecretariat for the Treasury and External Trade and the Turkish Red Crescent Society are the agencies responsible for the control of exports with regard to the implementation of resolution 661 (1990). Exports to Iraq and Kuwait have been made subject to a licence. Any shipment that does not carry a licence for export is blocked by the customs authorities. All medicines and medical supplies intended for export or trans-shipment to Iraq and Kuwait must also receive an authorization from the Turkish Red Crescent Society. Food products to be exported for humanitarian purposes and approved by the Security Council will be authorized by the Turkish Red Crescent Society.

(b) The Prime Ministry is responsible for interpreting any questions related to export restrictions.

4. Control of financial and economic resources

(a) Through the channels of the Central Bank of Turkey and the Association of Banks, all banks have been instructed to block the transfer of resources to Iraq and Kuwait in accordance with the order of the Prime Ministry. The Export-Import Bank of Turkey has suspended negotiations for the granting of a $400 million credit to Iraq. The Ministry of Finance and Customs, the Undersecretariat for the Treasury and External Trade, the Central Bank of Turkey and the Association of Banks are responsible for the implementation of this order.

(b) All funds belonging to the Embassy of Iraq have been placed in an account at the Central Bank of Turkey. These funds may not be transferred to Iraq and Kuwait.

All funds belonging to the Embassy of Kuwait and other Kuwaiti institutions such as Kuwaiti Airways have been placed in an account at the Central Bank of Turkey.

5. Enforcement

Any violation of the order relating to resolution 661 (1990) will constitute a crime in the category of smuggling. The Turkish Penal Code, Commercial Code and exchange regulations have provisions for the punishment of those committing such offences.

6. Other

(a) Turkey has not faced any difficulties in ensuring the implementation of resolution 661 (1990) at the national level. However, Turkey has had problems owing to its geographical position and because it was one of the first countries to start implementing the resolution in an effective and strict manner. These problems related to requests by third countries for the trans-shipment of goods to or from Iraq and Kuwait and, in general, problems stemming from differences in interpretation of the Security Council resolution.

(b) Turkish firms were informed by the Government that they had no obligation to honour contracts they had signed with Iraq prior to 6 August 1990. As a result, Turkish contractors suspended all work in Iraq. Turkish banks were instructed not to honour letters of guarantee in connection with these contracts.

(c) The Government has instructed Turkish institutions not to transfer goods, shares or assets of the Government of Kuwait and of Kuwaiti citizens to third parties. Any transaction to be performed in this connection will require the written consent of the Embassy of Kuwait at Ankara.

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SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 14 NOVEMBER 1990 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF GERMANY TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

The Acting Permanent Representative of the Federal Republic of Germany to the United Nations presents his compliments to the Secretary-General and, with reference to his note of 16 October 1990, has the honour to enclose a report on the measures taken to date by Germany in implementation of Security Council resolution 670 (1990).

Annex

Report on the measures taken by Germany to implement Security Council resolution 670 (1990) of 25 September 1990

The Government of Germany has taken all necessary legal and administrative steps to implement the provisions of Security Council resolution 670 (1990).

1. Measures concerning air transport

(a) Air traffic control

As regard the implementation of those provisions of Security Council resolution 670 (1990) that deal with air traffic, the Federal Ministry of Transport of Germany issued, on 28 September 1990, a general decree stipulating that approval must be obtained for aircraft wishing to land in or overfly Iraq or Kuwait, viz:

(i) Aircraft registered in Germany may undertake flights to Iraq or Kuwait only with express permission from the Federal Ministry of Transport;

(ii) Flights by aircraft not registered in Germany require permission to enter German territory in any case;

(iii) Scheduled flights have been stopped and may be resumed only with the approval of the Federal Ministry of Transport;

(iv) The air traffic control authorities in Germany have been instructed to permit Iraqi aircraft and aircraft travelling to or from Iraq and Kuwait to land in or overfly German territory only with the express approval of the Federal Ministry of Transport;

The approval referred to in subparagraphs (i) to (iv) above is granted solely in accordance with the provisions of the Security Council resolution.

(b) Inspections

In conformity with paragraph 4 (a) of the resolution, inspections are carried out on the territory of Germany by the German customs authorities.

2. Measures concerning shipping

On 28 September 1990, the Governments of the federal states of Hamburg, Bremen, Schleswig-Holstein and Lower Saxony, which are responsible for the ports on the German North Sea and Baltic coasts, were informed by the Federal Ministry of Transport of paragraph 8 of the resolution and instructed to ensure its implementation. The authorities of the new federal state of Mecklenburg-Western Pomerania were also called upon to act accordingly.

At the same time, the Federal Ministry of Transport issued an official statement in Nachrichten für Seefahrer (Seafarers' Bulletin) of 24 August 1990 to the effect that the United Nations had adopted sanctions, including a ban on sea transport to and from Iraq and Kuwait, and that the United States Navy would intercept ships suspected of violating the embargo.

These administrative measures and the decisions already made by the Federal Ministry of Transport in individual cases ensure the implementation in Germany of all Security Council resolutions in this connection, in so far as they are of relevance to shipping.

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SECURITY COUNCIL COMMITTEE ESTABLISHED
BY RESOLUTION 661 (1990) CONCERNING
THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTE VERBALE DATED 15 NOVEMBER FROM THE PERMANENT MISSION OF THE BYELORUSSIAN SOVIET SOCIALIST REPUBLIC TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Byelorussian Soviet Socialist Republic to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to his note SCPC/7/90 (3-1) dated 2 November 1990, has the honour to transmit, in addition to the information submitted earlier, the following information concerning the implementation by the Byelorussian SSR of Security Council resolution 661 (1990).

The Byelorussian SSR supports the Security Council resolutions adopted in connection with Iraq's aggression against Kuwait, including resolution 661 (1990).

As a part of the Union of Soviet Socialist Republics, the Byelorussian SSR has conducted its external economic relations essentially through the relevant All-Union ministries and departments. The Byelorussian SSR has no direct trade, economic or financial and credit links with Iraq or Kuwait.

As stated in the note verbale dated 31 October 1990 from the Permanent Mission of the USSR to the United Nations (S/AC.25/1990/25), by an order dated 16 August 1990 of the Council of Ministers of the USSR, ministries and departments of the USSR involved in trade, economic, financial and credit links with Iraq and Kuwait were instructed to adopt appropriate measures for the implementation of resolution 661 (1990). The monitoring of compliance with this order was entrusted to an Interdepartmental Working Group, chaired by the Vice-President of the Council of Ministers of the USSR, set up by an order of the President of the USSR.

As stated in the above-mentioned note verbale from the Permanent Representative of the USSR to the United Nations, with effect from the date of adoption of resolution 661 (1990) a complete ban was imposed on deliveries in the context of export-import operations, and all types of financial transactions with Iraq were halted.

All the above measures also apply fully to the Byelorussian SSR.

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